

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

SONY MUSIC ENTERTAINMENT, *et al.*,

Plaintiffs,

v.

COX COMMUNICATIONS, INC., *et al.*,

Defendants.

Case No. 1:18-cv-00950-LO-JFA

**DECLARATION OF KERRY M. MUSTICO ON BEHALF OF PLAINTIFFS IN
OPPOSITION TO DEFENDANTS' SECOND MOTION TO COMPEL**

I, Kerry M. Mustico, hereby declare, pursuant to 28 U.S.C. § 1746, as follows:

1. I am Senior Counsel with the law firm, Oppenheim + Zebak, LLP (“O+Z”), attorneys of record for Plaintiffs Sony Music Entertainment, Arista Music, Arista Records LLC, LaFace Records LLC, Provident Label Group, LLC, Sony Music Entertainment US Latin, Volcano Entertainment III, LLC, Zomba Recordings LLC, Sony/ATV Music Publishing LLC, EMI Al Gallico Music Corp., EMI Algee Music Corp., EMI April Music Inc., EMI Blackwood Music Inc., Colgems-EMI Music Inc., EMI Consortium Music Publishing Inc. d/b/a EMI Full Keel Music, EMI Consortium Songs, Inc., individually and d/b/a EMI Longitude Music, EMI Feist Catalog Inc., EMI Miller Catalog Inc., EMI Mills Music, Inc., EMI Unart Catalog Inc., EMI U Catalog Inc., Jobete Music Co. Inc., Stone Agate Music, Screen Gems-EMI Music Inc., Stone Diamond Music Corp., Atlantic Recording Corporation, Bad Boy Records LLC, Elektra Entertainment Group Inc., Fueled By Ramen LLC, Roadrunner Records, Inc., Warner Bros. Records Inc., Warner/Chappell Music, Inc., Warner-Tamerlane Publishing Corp., WB Music Corp., W.B.M.

Music Corp., Unichappell Music Inc., Rightsong Music Inc., Cotillion Music, Inc., Intersong U.S.A., Inc., UMG Recordings, Inc., Capitol Records, LLC, Universal Music Corp., Universal Music – MGB NA LLC, Universal Music Publishing Inc., Universal Music Publishing AB, Universal Music Publishing Limited, Universal Music Publishing MGB Limited, Universal Music – Z Tunes LLC, Universal/Island Music Limited, Universal/MCA Music Publishing Pty. Limited, Universal – Polygram International Tunes, Inc., Universal – Songs of Polygram International, Inc., Universal Polygram International Publishing, Inc., Music Corporation of America, Inc. d/b/a Universal Music Corp., Polygram Publishing, Inc., Rondor Music International, Inc., and Songs of Universal, Inc. (collectively, “Plaintiffs”). I submit this declaration on behalf of Plaintiffs and in opposition to the second Motion to Compel (the “Motion”) filed by Defendants Cox Communications, Inc. and CoxCom, LLC (collectively, “Defendants” or “Cox”). I have personal knowledge of the facts stated herein and, if called upon to do so, I can and will testify competently thereto.

2. David Jacoby, in-house counsel at Sony Music Entertainment, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

3. Melissa Battino, in-house counsel at Rhino Records (a Warner Music Group company), [REDACTED]

[REDACTED]

4. Attached as **Exhibit 1** is a true and correct copy of an excerpt from the transcript of the January 25, 2019 hearing on Cox's first motion to compel.

5. Attached as **Exhibit 2** is a true and correct copy of an excerpt from the transcript of the deposition of Anish Patel held on June 18, 2019.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

/s/ Kerry M. Mustico

Executed this 8th day of July, 2019 in Washington, D.C.